

## 145. ABANDONED AND UNCLAIMED PROPERTY

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### 145. ABANDONED AND UNCLAIMED PROPERTY

145.01. Definitions. Subdivision 1. As used in this chapter, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Subd. 2. "Abandoned Property" shall mean personal property of any type the owner of which has failed to make satisfactory claim and proof of ownership within sixty days after notice has been provided as described in section 145.02.

Subd. 3. "Finder" is a person who locates unclaimed personal property belonging to someone else and gives the property to an officer.

Subd. 4. "Officer" shall mean any officer, agent or employee of the city acting within the scope of his or her employment.

Subd. 5. "Unclaimed Property" shall mean personal property of any type where the owner or his or her whereabouts is unknown, or which is unclaimed for more than seven days.

145.02. Notice of Official Possession. Subdivision 1. Any officer having in his or her official possession unclaimed property and wishing to dispose of such property at a public auction or sale shall from time to time prepare and publish written notice containing the information required in subdivision 2.

Subd. 2. The written notice shall contain the following information:

- (a) The name, designation and office address of the officer giving the notice;
- (b) The description of the unclaimed property, individually or by lot, that has come into the possession of the officer since the issuance of the last notice;
- (c) A demand that all owners of the property described in the notice make claim and proof of ownership satisfactory to the officer named in the notice within sixty days from the date of the notice;
- (d) A statement that any of the unclaimed property not so claimed within the sixty day period shall be deemed to be abandoned, and that the same may be disposed by the city; and

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(e)The date of the notice.

Subd. 3. The notice shall be published in a newspaper of general circulation in the city at least once, a copy of the notice shall be posted at the city hall, and a copy of the notice shall be mailed to the owner, if the owner's name and address is known.

Subd. 4. Nothing in this section shall prevent an officer from disposing of unclaimed property by a private sale through a nonprofit organization that has a significant mission of community service after the property has been in the possession of the municipality for a period of at least 60 days.

145.03. Claim and Proof of Ownership. Subdivision 1. Except as provided in subdivision 2, below, if unclaimed property remains in the possession of the officer without any person making satisfactory claim and proof of ownership for a period of sixty days from the date of the notice describing it, the personal property shall be deemed to be abandoned, and title to the property shall be deemed to be in the City by reason of abandonment by the owner and possession by the City.

Subd. 2. When dealing with property which is lost and found by a finder, and then turned over to an officer, the finder shall be deemed to have made satisfactory claim and proof of ownership to be entitled to possession of the unclaimed property at the end of sixty days from the date of the notice. However, the finder's claim and proof of ownership under this subdivision shall be inferior to and subject to a satisfactory claim and proof of ownership by any owner of the property. Upon delivery of the unclaimed property to the finder as provided in this subdivision, the city shall have no further interest or obligations with respect to the property. The city shall, however, provide the name and address of the finder, and the location of the property, if known, to any person making a satisfactory claim and proof of ownership subsequent to the delivery of the property to the finder.

145.04. Disposal. Subdivision 1. The city shall have the right to sell or otherwise dispose of abandoned property to the highest bidder at public auction or sale. Alternatively, the city may deliver abandoned property at no charge to any community, non-profit organization.

Subd. 2. In no event shall abandoned property be sold for less than the cost of advertising and selling. The city reserves the right to reject any and all bids. If abandoned property cannot be disposed of at an amount greater than the cost of advertising and selling, the city may destroy the property or otherwise dispose of it as it sees fit.

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Subd. 3. The officer conducting the sale shall maintain a complete and accurate record of the sale, which shall include the description of the abandoned property sold, the name and the address of the purchasers, the sale price of each item sold, and the costs of the sale.

Subd. 4. The officer conducting the sale shall execute and deliver a certificate of sale or a receipt to the purchaser of each item of property. The certificate shall describe the item sold, the purchase price, the name and address of the purchaser, and the date of purchase. The certificate shall pass the title of the item to the purchaser.

145.05. Disposition of Proceeds. Subdivision 1. All monies received from the disposal of abandoned property, less the costs of advertising and selling, shall be immediately paid to the Director of Finance and retained in a separate fund for at least six months.

Subd. 2. Should any person within six months from the date of disposal of any abandoned property make claim to it and establish ownership, the sum of money paid over to the Director of Finance shall be paid to that person. In no event shall any claim be considered unless it shall be presented to the Director of Finance in writing before the expiration of six months from the date of the disposal of the item claimed.

Subd. 3. After expiration of six months from the date of the disposal of the item claimed, the monies received from the disposal of abandoned property shall be transferred into the city's general fund.

(3097, 6/2/97)